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May 11, 2021

Via ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

MEMO ENDORSEMENT.

The Court's referral to mediation did not set a deadline for when mediation is to be held. Therefore, the Court takes no position on the request for adjournment of mediation and directs parties to contact the mediation office and mediator for any such requests. The mediation does not affect any previously set deadlines or conferences, which will proceed as ordered.

5/12/2021 SO ORDERED.

Re: *Bodziony v. Wolfgang's Steakhouse, Inc., et al.*
Docket No. 20-cv-08016
MLGB File No.: 15401.00010

A handwritten signature of Lewis J. Liman in blue ink.

LEWIS J. LIMAN
United States District Judge

Dear Judge Liman:

This firm represents Defendants Wolfgang's Steakhouse Inc., Wolf Eastside LLC, d/b/a Wolfgang's Steakhouse, ZMF Restaurants LLC, d/b/a Wolfgang's Steakhouse at Park Avenue, Wolf Gotham LLC, d/b/a Wolfgang's Steakhouse – Gotham Hotel, Wolf on Broadway LLC, d/b/a Wolfgang's Steakhouse, Wolf at Tribeca Inc., d/b/a Wolfgang's Steakhouse Tribeca, Peter Zweiner and Wolfgang Zweiner (collectively, "Defendants") in the above-referenced matter. We write jointly with Plaintiffs' counsel seeking to adjourn the mediation scheduled in this matter for May 21, 2021. Plaintiffs and Defendants will be collectively known as "Parties."

Plaintiffs in the instant matter were members of a separate collective action commenced in the Southern District New York by Elvir Delijanin against Defendants (Docket No. 18-cv-07854). Plaintiffs opted out of same and commenced this litigation on or about September 28, 2020, by filing a Complaint in the United States District Court for the Southern District of New York against Defendants alleging multiple violations of the Fair Labor Standards Act and the New York Labor Law.

Plaintiffs provided a preliminary estimate of damages in December 2020, which also constituted their initial settlement demand. Thereafter, Parties exchanged Rule 26 disclosures on or about February 19, 2021. Following entry of a Confidentiality Order, Parties served Responses to Interrogatories and exchanged substantial document production. Additionally, Defendants expect to supplement their document production in the coming weeks. In the interim, a mediation is scheduled to take place on May 21, 2021. However, as Parties continue to be far apart in

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Honorable Lewis J. Liman
United States District Judge
May 11, 2021

valuation of these claims, Counsel conferred on May 5, 2021, and agreed to submit a joint request for the adjournment of the mediation that was previously scheduled for May 21, 2021 before Mediator Mary J. O'Connell. Briefly, the parties believe mediation after additional discovery has been completed will be more effective.

In compliance with Rule 1(C) of Your Honor's Individual Practices, Defendants state the following: (1) the mediation was originally scheduled to take place on May 21, 2021; (2) & (3) there have been no previous requests for the adjournment of the mediation or extension of time for same; (4) Plaintiffs consented to the adjournment on May 5, 2021; and (5) the next scheduled appearance before the Court is on August 4, 2021 at 3:15 p.m.

Given the foregoing, parties request the mediation be adjourned One Hundred Twenty (120) days. In the interim, the parties will continue to exchange discovery and proceed with litigation of this matter.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/Asish Anne Nelluvely
Asish Anne Nelluvely, Esq.

cc: All Counsel of Record (*via ECF*)
Mediation Office NYSD (*via email* – MediationOffice@nysd.uscourts.gov)
Mediator Mary J. O'Connell (*via email* – mjoc@nyc.rr.com)